

LITTLETON, JOYCE, UGHETTA, PARK & KELLY LLP
Wendy B. Shepps (WS-1207)
Attorneys for Defendant Cohen & Slamowitz, LLP
39 Broadway, 34th Floor
New York, New York 10006
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MOHAMMED TIPOO,	:
on behalf of himself and the class	: 11-CV-6046
	:
Plaintiff,	:
	:
- against -	: ANSWER TO
	: AMENDED
	: CLASS ACTION
	: <u>COMPLAINT</u>
COHEN & SLAMOWITZ, LLP	:
	:
Defendant.	:
-----X	:

Defendant, COHEN & SLAMOWITZ, LLP (hereinafter “Defendant or “COHEN & SLAMOWITZ”), by its attorneys, LITTLETON, JOYCE, UGHETTA, PARK & KELLY LLP hereby responds, upon information and belief, to the Plaintiff’s Amended Class Action Complaint (“Complaint”), as follows:

FIRST: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “1” of Plaintiff’s Complaint.

SECOND: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “2” of Plaintiff’s Complaint, and in addition, refers all questions of law to the trial court for judicial determination.

THIRD: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “3” of Plaintiff’s Complaint, and in addition, refers all questions of law to the trial court for judicial determination.

FOURTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “4” of Plaintiff’s Complaint, and in addition, refers all questions of law to the trial court for judicial determination.

FIFTH: Admits the truth of the allegations contained within paragraph “5” of Plaintiff’s Complaint.

SIXTH: Admits the truth of the allegations contained within paragraph “6” of Plaintiff’s Complaint.

SEVENTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “7” of Plaintiff’s Complaint, and in addition, refers all questions of law to the trial court for judicial determination.

EIGHTH: Admits the truth of the allegations contained within paragraph “8” of Plaintiff’s Complaint.

NINTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “9” of Plaintiff’s Complaint.

TENTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “10” of Plaintiff’s

Complaint, and in addition, refers all questions of law to the trial court for judicial determination.

ELEVENTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “11” of Plaintiff’s Complaint, and in addition, refers all questions of law to the trial court for judicial determination.

TWELFTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “12” of Plaintiff’s Complaint, and in addition, refers all questions of law to the trial court for judicial determination.

THIRTEENTH: Denies the truth of each and every allegation contained within paragraph “13” of Plaintiff’s Complaint.

FOURTEENTH: Denies the truth of each and every allegation contained within paragraph “14” of Plaintiff’s Complaint.

FIFTEENTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “15” of Plaintiff’s Complaint, and in addition, refers all questions of law to the trial court for judicial determination.

SIXTEENTH: Denies the truth of each and every allegation contained within paragraph “16” of Plaintiff’s Complaint.

SEVENTEENTH: Denies the truth of each and every allegation contained within paragraph “17” of Plaintiff’s Complaint.

EIGHTEENTH: Denies the truth of each and every allegation contained within paragraph “18” of Plaintiff’s Complaint.

NINETEENTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “19” of Plaintiff’s Complaint, and in addition, refers all questions of law to the trial court for judicial determination.

TWENTIETH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “20” of Plaintiff’s Complaint.

TWENTY-FIRST: Denies the truth of each and every allegation contained within paragraph “21” of Plaintiff’s Complaint.

TWENTY- SECOND: Denies the truth of each and every allegation contained within paragraph “22” of Plaintiff’s Complaint.

TWENTY- THIRD: Denies the truth of each and every allegation contained within paragraph “23” of Plaintiff’s Complaint.

TWENTY- FOURTH: Denies the truth of each and every allegation contained within paragraph “24” of Plaintiff’s Complaint.

TWENTY- FIFTH: Denies the truth of each and every allegation contained within paragraph “25” of Plaintiff’s Complaint.

TWENTY- SIXTH: Denies knowledge or information sufficient to form a belief as to the truth of each and every allegation contained within paragraph “26” of Plaintiff’s Complaint, and in addition, refers all questions of law to the trial court for judicial determination.

**AS AND FOR ANSWERING DEFENDANT'S
FIRST AFFIRMATIVE DEFENSE**

Plaintiff's Complaint fails to state a valid cause of action upon which relief may be granted.

**AS AND FOR ANSWERING DEFENDANT'S
SECOND AFFIRMATIVE DEFENSE**

The Plaintiff's Complaint is not supported by documentary evidence.

**AS AND FOR ANSWERING DEFENDANT'S
THIRD AFFIRMATIVE DEFENSE**

Upon information and belief, the causes of action asserted in the Plaintiff's Complaint against the Answering Defendant are barred in whole or in part by the doctrine of estoppel.

**AS AND FOR ANSWERING DEFENDANT'S
FOURTH AFFIRMATIVE DEFENSE**

If Plaintiff has incurred any damages herein, which claim is expressly denied, such damages are the result of his own culpable conduct.

**AS AND FOR ANSWERING DEFENDANT'S
FIFTH AFFIRMATIVE DEFENSE**

Defendant did not violate, in whole or in part, any provision of the FDCPA.

**AS AND FOR ANSWERING DEFENDANT'S
SIXTH AFFIRMATIVE DEFENSE**

To the extent a violation of any provision of 15 USC §1692 occurred, which violation is expressly denied, such violation was the result of acts of non-agents, or agents acting outside the scope of their authority.

**AS AND FOR ANSWERING DEFENDANT'S
SEVENTH AFFIRMATIVE DEFENSE**

The instant action is barred by the expiration of the applicable statute of limitations.

**AS AND FOR ANSWERING DEFENDANT'S
EIGHTH AFFIRMATIVE DEFENSE**

Plaintiff are precluded by the doctrine of waiver and estoppel.

**AS AND FOR ANSWERING DEFENDANT'S
NINTH AFFIRMATIVE DEFENSE**

Plaintiff has failed to mitigate his damages.

WHEREFORE, Answering Defendant COHEN & SLAMOWITZ, LLP, respectfully requests that this Court enter judgment herein dismissing Plaintiff's claims against them in its entirety, together with such other, further and different relief as this Court deems just and proper.

Dated: New York, New York
October 20, 2011

Respectfully Yours,

**LITTLETON, JOYCE, UGHETTA,
PARK & KELLY LLP**



By: _____
Wendy B. Shepps (WS1207)
Attorneys for Defendant
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39 Broadway, 34th Floor
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File No.: 07883.00060

TO: Shimshon Wexler
Attorneys for Plaintiff
2710 Broadway, 2nd Floor
New York, New York 10025

CERTIFICATE OF SERVICE

I, Wendy B. Shepps, hereby certify that on October 20, 2011, I electronically filed the foregoing Answer with the Clerk of the District Court using its CM/ECF system which would then electronically notify, The Law Offices of Shimshon Wexler, P.C. counsel for the Plaintiff.

A handwritten signature in black ink, appearing to read "Wendy B. Shepps", with a long horizontal flourish extending to the right.

Wendy B. Shepps (WS 1207)